

It's not fair to say that. The polls keep saying that Americans want universal care. They even say health care is a human right, which of course it isn't. It is, at best, an implied right the way privacy is.

There's a dialectic to being one's brother's keeper. It isn't simply, "Christ asserted it and therefore it's right." It's a living thing. I don't have the credentials to be theological, but I do think that the act of taking care of everybody in our health care system will make us our brother's keeper. It will emancipate us to attack the other enormous problems that we must solve. We can't have people hungry every night. We can't have children uneducated. But we do. We have to stop that. We won't survive otherwise. And nowhere is it written that every society survives. It's written somewhere that they all perish. And we've got all the credentials to go down the road to oblivion—not tomorrow or the next day, but not necessarily very much later. Time is running out.

You are putting health care reform in the context of a much larger moral crisis.

I do see health care reform as crucial to national civic survival. Consider some of the huge problems we have: air pollution, waste disposal, failed schools, homelessness, crime in the streets, hunger. The common denominator is that there are no resources available to solve these problems beyond what's already out there. Then consider health care, which is the biggest problem, and one that affects everybody. Homelessness affects those who have to live around the homeless, and it affects some sensitive people, but otherwise the problem belongs to the people who are homeless—and so on with all the problems I mentioned. But when you get to health, it's everybody's problem—if not today, then tomorrow. And it's the only social problem that we can fix using the resources—manpower, facilities, expenditures—we already have in place.

I don't want to be apocalyptic, but I think the case can be made in terms of the national mood—the polarization, the hate, the despair, the dissatisfaction with the political process—that health care reform offers us our last best chance to restore a sense of civic life and civic responsibility. ●

#### COSPONSORSHIP OF THE BASEBALL PRESERVATION ACT

● Mr. GRAHAM. Mr. President, I lend my support to the National Pastime Preservation Act submitted to the new Congress by Senator DANIEL PATRICK MOYNIHAN and cosponsored by Senator JOHN WARNER.

Once again, Major League Baseball has shown that it does not warrant an exemption from our antitrust laws. Our national pastime has been silenced, with little or no immediate prospect of a resumption in play.

Mr. President, today is perhaps the coldest day of the winter so far this season. On these chilly days, our Nation should be on the verge of anticipating the annual ritual that signals hope of warmer weather on the way; the crack of bats at spring training.

But spring training could be lost. The possibility—which would compound the loss of part of the 1994 regular season and the World Series—underscores the urgency of prompt consideration of the National Pastime Preservation Act.

For Florida, the loss of spring training would result in an estimated loss in tourism dollars of at least \$350 million,

perhaps \$1 billion. In the last several years, communities in Florida have made substantial investments in new and upgraded training facilities for the very clubs that will not be able to play.

This crisis has hurt Florida and America. Clearly, it is time to subject Major League Baseball to the same laws of competition that apply to the rest of business in our country. No other professional sport has an antitrust exemption.

Major League Baseball has used its antitrust exemption to prevent franchise migration to areas more willing to support teams. A consequence of this failure to allow the market to determine franchise location is a wide disparity between franchises. This, in turn, had led to the revenue-sharing proposal to be financed by a ceiling on players' salaries. Thus, the issue which is at the heart of the current controversy—a ceiling on players' salaries—is attributable to a misuse of the antitrust exemption. Additionally, removal of the antitrust exemption would be an incentive to the players to go back to work and continue negotiations.

I urge my colleagues—in the name of restoring our national pastime—to consider and support the legislation to remove baseball's antitrust exemption. ●

#### SPEECH BY U.S. AMBASSADOR TO ARMENIA

● Mr. SIMON. Mr. President, recently, I read in the news of the Armenian General Benevolent Union, a speech by Ambassador Harry Gilmore, the U.S. Ambassador to Armenia.

Because it has insights into the problems faced in Armenia, I am asking to insert it into the CONGRESSIONAL RECORD at the end of these brief remarks.

The United States must exert every effort to see that Armenia and her neighbors, Turkey and Azerbaijan, can live together in peace.

This is in the best interests of Armenia and is in the best interests of Turkey and Azerbaijan.

But there are emotional barriers to achieving this.

While those emotional barriers remain, the people of Armenia struggle.

This speech was given in Los Angeles, on June 14, 1994, to guests attending a fundraising banquet for the American University of Armenia, which I have had the privilege of visiting in Armenia.

The speech follows:

HARRY GILMORE—UNITED STATES  
AMBASSADOR TO THE REPUBLIC OF ARMENIA

Distinguished friends and guests of the American University of Armenia, I bring you a story tonight of darkness and light. The darkness you know. Armenia is going through perhaps the most difficult period it has endured since the end of first Republic of Armenia in 1920. The people of Armenia have been living without heat and light, beset by war and economic hardship. But in the middle of the darkness there are some islands of

light—and one of those is the American University of Armenia.

Tonight I want to tell you some of my experiences as the first Ambassador of the United States to the Republic of Armenia. I want to tell you something about what the United States Government is doing in Armenia. And I want to tell you why I believe in the future of Armenia.

Our Embassy in Yerevan, the first foreign Embassy in Armenia, opened in February 1992, in the Hrazdan Hotel. Now we are in the building that once was home of the Young Communist League. We have about fifteen Americans working in our Embassy from the Department of State, USAID, USIA, and the Peace Corps, and about sixty Armenian employees. Plus there are 25 Peace Corps Volunteers in Armenia, with more to come in July.

As you may know, in August 1992 I was first nominated to be Ambassador by President Bush. After the 1992 elections, President Clinton re-nominated me. I was finally confirmed by the Senate in May 1993. I arrived in Yerevan with my wife Carol that same month, one year ago.

I found our diplomats in Yerevan were living, much like the residents of Yerevan, frequently without electricity, heat, or water. There was, and often still is, only about one or two hours of electricity each day. During the first winter, our diplomats often wrote their cables by the light of butane lanterns. One diplomat found that his laptop computer wouldn't start unless he heated it up first on top of his wood stove.

Now we are fortunate to have generators and kerosene heaters in our homes and at the Embassy. Most Armenians are not so lucky. Nuclear physicists are working by candlelight. A factory that used to produce microprocessors is making kerosene stoves. One daily newspaper, *The Voice of Armenia* is being printed on ice-cream wrapping paper. The winter before I arrived, the temperature inside school classrooms was often below freezing. Some classes consisted of little more than jumping up and down to stay warm.

I decided from the beginning that our Embassy should have three goals: first, to help Armenia survive, emphasizing humanitarian assistance; second, to try to help Armenia achieve peace, and an end to its economic isolation; and third, to help Armenia build a democratic government and new free market economy that will allow Armenians to control their own destiny, and guarantee their own future.

#### HELPING ARMENIA SURVIVE: HUMANITARIAN ASSISTANCE

Our first job has been to help provide humanitarian aid, so Armenia can survive the economic crises caused by the collapse of the Soviet Union and the war. The Armenian-American community, the Armenian Church and other private donor organizations have been extremely active in these efforts. Soon after the Embassy opened, the U.S. Agency for International Development located its regional office for the Caucasus in Yerevan, and our government got involved in a major way.

Much of our time has been taken up by the logistics of getting wheat and fuel moving to Armenia. I now know more about the Georgian railway system than I ever wanted to know. When U.S. government wheat was stranded in Batumi, in Georgia, because there was no electricity to run the Georgian railways, we chartered diesel locomotives, and provided fuel for them. When there was a shortage of wheat in Armenia, because the trains in Georgia weren't running, we obtained money to buy kerosene and diesel fuel to trade to the Armenian farmers for wheat.

An airlift of planes chartered by the United States government has brought in medicine, flour, and other necessities of life, purchased by the government or donated by private organizations in the U.S. Thanks largely to the lobbying efforts of the Armenian-American community, a winter airlift brought in over eighty thousand kerosene heaters, and trains of tank cars brought thousands of tons of kerosene to Armenia, so schools and homes of the elderly, one-parent families, and other people sitting at home in the cold could have heat.

The winter of 1992-93 all the schools closed in Armenia. It was too cold to study. This winter was different. In February I visited a working class school in the Charbakh district outside Yerevan. You could see through a crack in the wall caused by the 1988 earthquake. The temperature in the hallways was freezing, and the students and teachers wore winter coats, hats, scarves and mittens inside but because of the heaters and kerosene we and a French organization named Forum had furnished, classes were going on, and students were learning. With great pride, they sang Armenian songs and recited Armenian poetry for me. So I can tell you first hand that our help is getting there, and is getting to the people who need it most.

But humanitarian aid, though it takes much of our time and efforts, is only a temporary measure, not a long-term answer. The real answer lies in finding an end to the conflict in Artsakh.

#### ENDING THE WAR

Helping the parties to find an end to the war is the most important, and the most difficult, of our objectives. Without peace—and I mean a just peace—there cannot be any end to economic isolation, no development, no trade. The war is taking the resources of Armenia, and the lives of some of its best young men. I see the new graves in the cemeteries, the faces in the newspapers, the memorial shrines in the schools. The war is a very heavy burden for the people of Armenia, Azerbaijan, and Nagorno-Karabakh.

Some people think that the war could be ended by a few telephone calls. I wish it were so simple. Hatred and distrust have built up over the decades, and have often been used by politicians for their own purposes. It may take a long time for the hatred to die down, and the people of Armenia, Nagorno-Karabakh and Azerbaijan will have to live again as neighbors.

Our job is to encourage and facilitate an end to the fighting, and then to get the participants to sit down together, talking instead of shooting. We believe the best way to do this is through the international efforts of the so-called "Minsk Group" of the Conference on Security and Cooperation in Europe, a process which includes all the countries in the region, except Iran, and which allows the people of Nagorno-Karabakh to be heard. The Russian Government is also working to achieve a settlement. We are trying to encourage the Russians to combine their efforts with those of the CSCE.

It is difficult and frustrating process. At this point, the leaders of Azerbaijan and Nagorno-Karabakh say they want to talk. But so far the kind of compromise which would end the fighting and launch a negotiating process has been elusive. We are trying, step by step, to find common ground and build trust. It will demand compromise from both sides. The compromises may be painful. But the only alternative to compromise is an endless war. I don't believe that anyone in Armenia wants to see the children of the next generation fighting the same endless war.

#### HELPING ARMENIA TOWARD DEMOCRACY AND ECONOMIC GROWTH

Our third objective is to help Armenia build a durable democracy and a working free market. The government of President Ter-Petrosian is now one of only two governments in the former Soviet Union not headed by a former Communist. Armenia has a multi-party system and an active free press. Despite great criticism, an independent Armenia is stubbornly following the course of market reforms and independent foreign policy. Armenia has the potential to remain a democratic and truly independent state.

What Armenia needs is the experience of democracy and a free market, and the training to make it work. This is why the American University of Armenia is so important.

We know that no single Western form of government or economic life can simply be copied in Armenia. America and Armenia have different histories and different traditions. But many Armenian members of parliament and members of the government have asked us for help. They want to learn from our experience, take note of our successes, try to avoid our mistakes.

#### PEACE CORPS

Today we have 25 Peace Corps Volunteers in Armenia, 16 teaching English in villages and towns, and 9 experienced small business advisers. They've spent two winters there, sharing the hardships of the local people. I'm very proud of these young, and some not so young, men and women, who are helping share our American know-how in Armenia.

#### FARMERS AND AGRICULTURE

We have brought American farmers and agricultural experts to Armenia to help establish an extension service, similar to our own, for the farmers of Armenia. And we have provided new varieties of wheat seed both to replenish stocks and to improve yields. One example of what they did: in Soviet times, combine operators were given quotas of acres to harvest, regardless of how much wheat they actually harvested. Our extension agents shared their experience of how to use their harvesters to get the maximum amount of grain, with the least waste.

#### EDUCATIONAL EXCHANGES

We are working to give more Armenian students and professionals the chance to study in America, so they can take their new experiences back to Armenia and help rebuild the country. We have open competitions in Yerevan for Fulbright scholarships and other exchange programs. Under the Fulbright program, leading scholars from Yerevan State University will be teaching and doing research in the United States, and Armenian scholars are working at the State University. This year we will send over 100 Armenian professionals for specialized short courses and workshops in the U.S.

Today thirty-four high school students from Armenia, chosen by an open competition from among 1500 applicants, are studying at high schools all over the United States. Each one is making Americans aware of the new realities in Armenia. Each will return with an expanded understanding of the U.S., and, I hope, with useful knowledge that can help Armenia.

#### ECO SPHERE

We are also providing assistance to privatize Armenia's urban housing stock and to improve a range of Armenia's energy systems. For example, U.S. legal advisors have helped draft the first land use code and condominium legislation. We have initiated successful weatherization/winterization trials in schools and hospitals and we are providing critical equipment and technology both to conserve energy in power plants and indus-

try and to develop new sources of hydro, coal and oil energy.

In the two years since the Embassy opened, we've learned a lot. We've learned that some people, and some institutions, are resistant to change and even find it threatening. The old mentality, of waiting for someone at the top to make a decision, is hard to change. We've learned that it's sometimes better to start entirely new institutions than to try to reform old ones, and that it's often best to target the younger people and professionals, who are the most open to change, and the most important resource for the future. Most of USAID assistance targets 23-35 year old professionals. That is one reason why, on many projects, we've chosen to work with the American University of Armenia.

#### THE AMERICAN UNIVERSITY OF ARMENIA

To me, the American University of Armenia exemplifies what is best about Armenian education. When you walk in the doors of the American University, you feel a sense of energy, of purpose. When you look in the computer lab, and see the students at work stations, you could be in any American University. But I think there are very few universities in the United States where the students work with such dedication and enthusiasm. There is another difference—when you talk to the students, you learn they are not there just for themselves, they are there because they want to make Armenia a better place to live for future generations.

We are working together with the University on a number of projects. The U.S. Information Agency opened its library, the first in the Caucasus, alongside the library of the University. This library is open to the whole community, not just AUA students, and serves students and teachers from Yerevan State University and schools all over Yerevan.

#### JUNIOR ACHIEVEMENT

USIA, the Peace Corps and the AUA worked together to launch the Junior Achievement Program in Armenia. Today high school students in Yerevan are learning practical business and economics by running their own small businesses.

#### CEPRA

USAID is working with the University and the Ministry of Economy to establish Armenia's first economic research center, "CEPRA", which represents a watershed in university-government collaboration in finding answers to the country's most pressing macroeconomic problems. The establishment of this innovative government center within the University is a testament to the flexibility and foresight of AUA's leadership in applying its intellectual resources to the current economic situation.

#### RADIO STATION

Students learn more than just theory at AUA. One group of recent AUA graduates is trying to open the first independent radio station in Armenia. A second group has started a newspaper. A third group has started a publishing house, and translated and published the first market economics textbook in Armenian for the Junior Achievement Program.

A team organized by the Center for Business Research and Development at AUA, with support from the Embassy, has translated into Armenian two books on business management, and is at work translating a university economics textbook that will be the standard text for Armenian universities.

While we work closely with AUA, I should emphasize that we are not ignoring the State University. This year, for the first time, two Fulbright lecturers will be teaching jointly

at the State University and at AUA, in the areas of American history and law. We are sponsoring a program with the University of Colorado to help reshape the economics curriculum at the State University. And several scholars from the State University will receive Fulbright fellowships to do research in the United States. In our view, AUA and the State University are partners, not rivals.

To put it simply, AUA is a model of how the Armenian Government, the American Government, and the Armenian-American community are all working together, preparing Armenia for the future, and looking together for solutions to Armenia's problems. Some people say that a pessimist is an optimist who has spent the winter in Armenia. But I have spent the winter in Armenia, and I remain an optimist. When I visit the American University, I know that there is hope for the future. The future of Armenia is the hands and minds of today's students.

#### CONCLUSIONS

In my first year in Armenia, I developed an even deeper respect for the Armenian people. Against terrible adversity, against heavy odds they have kept their faith, their language, their culture and their pride intact. What would happen if, in America, we had to endure the conditions they endure; virtually no light, no heat, no gas, no electricity? The Armenian people have borne this stoically for four winters.

At the beginning of my remarks, I mentioned the First Republic of Armenia. You all know how it ended after roughly two years—divided within, fighting with neighboring Azerbaijan over Nagorno-Karabakh, beset by hunger and cold, warring with Turkey, without substantial help from the West, it was invaded by the Red Army, lost its independence, and became part of the Soviet Empire.

This new Armenian Republic has now lasted longer than the first Republic. Today's Armenia is also beset by many problems; petroleum and transportation embargoes, the same geographic dilemma, and again conflict over Nagorno-Karabakh.

What is different now is that Armenia is a member of the United Nations and the CSCE, a full member in the family of democratic nations. Today, there are international mechanisms for helping resolve conflicts, and for helping newborn countries to get on their feet. Today there is a successful and vigorous Armenian diaspora especially in the U.S. which is actively involved in supporting the reborn Armenian republic. These are now available to the Armenian Republic, and Armenia is using them.

But in the end, what can guarantee the independence of Armenia? In the 1930's, the great Armenian poet Charents wrote an acrostic into one of his poems—the second letter of each line spelled out, "Oh Armenian people, your only salvation is in your united strength." For these words Charents was expelled from the Soviet Writers' Union and died in prison. But what Charents said then is still true today. Ultimately, it is the Armenian people themselves, working together, who can guarantee their independence.

Armenia cannot survive in economic or political isolation. For Armenia to be a successful member of the community of nations, it will have to develop all of its resources. It must and will find ways to end the isolation, to establish new political and economic links with its neighbors, to establish connections with the rest of the world. Armenia has much to offer the world—a unique culture, a rich history, and above all an abundance of talented people—especially young people—who want to make a mark on the future. I hope and believe they will continue to enrich

world culture and to contribute to the welfare of the reborn Armenian state. •

#### INTERSTATE BANKING AND BRANCHING ACT OF 1994

• Mr. BENNETT. Mr. President, last year we worked hard to ensure, after careful consideration by the Senate Banking Committee, the Senate, and the conference committee, that banks providing credit to out-of-State borrowers would be unaffected by other changes made in the new interstate banking and branching law. We considered the interests of the States, financial institutions, and regulators, and consumers on this very important point.

Unfortunately, and notwithstanding the care we took with the words we used, it has come to my attention that a recent court decision has misinterpreted several provisions of the interstate banking law. I want to set the record straight so that there is no confusion or misunderstanding.

Mr. Chairman, the intermediate appellate court in Pennsylvania issued its decision on December 14, 1994, in the so-called Mazaika case. In a 6-3 decision, the court held that a national bank located in Ohio was not authorized by section 85 of the National Bank Act to collect certain credit card charges from Pennsylvania residents—charges that the court acknowledged to be lawful in Ohio. Mr. Chairman, every other final decision by other courts on the merits of this very question has concluded that such charges were authorized by section 85 to be collected from all borrowers, anywhere in the Nation, as long as they were legal in the bank's home State.

In its decision, the majority noted the enactment of the Riegle-Neal Interstate Banking and Branching Act of 1994 and said that the interstate banking law "expressly provides that a national bank is bound, as to operations carried on in a particular State, by the consumer protection laws of each State in which it operates any branches." The majority was referring to the applicable law provision of the interstate law.

Mr. Chairman, it is my view that the Mazaika majority made several mistakes in its reference to the applicable law provision of the interstate banking law. These matters should be clarified.

First, the applicable law provision in the interstate law applies only and by its terms when a bank actually has branches in a second State. And even in such circumstances, the applicable law provision subjects the interstate branch of a bank to certain State laws only where those laws are not preempted by Federal law. This provision has no bearing on or relevance to the Mazaika case because, in that case, no branching by the Ohio bank into Pennsylvania is involved. Moreover, the law has long been settled by the courts that section 85 is preemptive.

Second, the Mazaika majority simply ignored the very important savings

clause in the interstate law. The savings clause is part of section 111 of the interstate law. Mr. Chairman, I well recall that this provision was included in the Senate bill at the request of the Senator from Delaware for two reasons. The clause makes clear that a branch of a bank in one State may charge interest allowed by that State's laws in making loans to borrowers in another State even if the bank has branched interstate into the borrowers' State. In addition, the Senate Banking Committee and the Senate very much wanted this provision in the law in order to ensure that a bank's ability to collect all lending charges had not been affected by other provisions of the interstate law—such as the applicable law provision.

The savings clause provides that nothing in the interstate law affects section 85 of the National Bank Act and also section 27 of the Federal Deposit Insurance Act, which relates to charges by State banks. The savings clause therefore preserves the preexisting lending authority of banks to collect all lending charges in accordance with home State law, without regard to the changes in branching authority made by the interstate law.

Does the Senator agree with my understandings that the majority in Mazaika seriously misconstrued the interstate banking legislation?

Mr. ROTH. Yes, I most certainly do, and I agree that it is very important to confirm these points.

At the Senate Banking Committee, I requested, and the Managers' Amendment included, the savings clause. The savings clause, as I have previously stated, made clear that the adoption of interstate banking legislation will not and was not intended to affect the existing authority with respect to any charges imposed by national and state banks for extensions of credit from out-of-state offices.

The Senate Banking Committee report and the conference report both contain explanatory language that is consistent with this reading of the interstate law. The reports state that, as a result of the savings clause, nothing in the interstate banking law affects existing authorities with respect to any charges under section 85 of the National Bank Act or section 27 of the Federal Deposit Insurance Act that are assessed by banks for loans made to borrowers outside the State where the bank or branch making the loan is located.

I took to the floor of this Chamber on September 13, 1994, to reemphasize these important points.

I very much agree with the Senator from Utah that the majority in Mazaika misread and seriously misconstrued the interstate banking legislation. I hope our discussion today clarifies these matters.

Mr. BENNETT. Mr. Chairman, I also wish to set the record straight about another provision in the interstate banking law. Section 114 establishes a